

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN OHIO DISTRICT
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHANE P. BURKE,

Defendant.

Case No. 2:05-cr-045(2)

JUDGE GREGORY L. FROST

ORDER REVOKING SUPERVISED RELEASE AND IMPOSING SENTENCE

This matter came on for a hearing this 2nd day of October, 2015 upon the Petition to Revoke Defendant's Supervised Release status. Defendant, Counsel for Defendant, and Counsel for the Government appeared.

At the hearing, Defendant admitted to violating:

CONDITION #2: "The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month."

CONDITION #7: "The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician."

The Court accepts the admissions.

The Court thereafter proceeded with sentencing. Pursuant to the United States Sentencing Guidelines (U.S.S.G.) § 7B1.1(a)(2), Defendant has been found guilty of violating two Standard Conditions of Supervised Release, which conduct represents Grade C violations.

Based on the Grade C violations, and criminal history category I, the advisory guideline imprisonment range for revocation purposes is 6 to 12 months. See U.S.S.G. § 7B1.4(a).

Relying upon the foregoing, the facts of this case, and the 18 U.S.C. 3553(a) factors, the Court orders that Defendant's supervised release be revoked and the Court sentences Defendant to three (3) months imprisonment.

Upon completion of the sentence, Defendant shall serve a term of Supervised Release of one (1) year.

In addition to the terms of Supervised Release previously imposed in this case, the following Special Condition is imposed:

- 1) The defendant shall enter into and successfully complete the Intensive Out Patient program at Talbot Hall.

After sentencing, Defendant acknowledged his rights on appeal.

Defendant was remanded to the custody of the United States Marshal's Service.

IT IS SO ORDERED.

/s/ Gregory L. Frost

GREGORY L. FROST, JUDGE
UNITED STATES DISTRICT COURT